

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

UNITED STATES OF AMERICA,)	CIVIL ACTION NO.: 3:19-cv-01779-JMC
)	
Plaintiff,)	
)	
v.)	
)	<u>CONSENT ORDER OF FORFEITURE</u>
\$8,057.59 FUNDS ON DEPOSIT IN)	
COOPER TRUST FUND ACCOUNT)	
FOR DAMON WILSON,)	
)	
Defendant <i>in Rem</i> .)	
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The United States of America (the “Government”) filed this *in rem* forfeiture action on June 21, 2019, concerning \$8,057.59 in funds on account in a Cooper Pay Trust Fund Inmate Account, in the name of Damon Wilson, (“Defendant Funds”) seized on or about December 19, 2018, by the Federal Bureau of Investigation (“FBI”). (ECF No. 1.) This matter is before the court pursuant to a Stipulation for Compromise Settlement and Joint Motion for Entry of Consent Order of Forfeiture filed by the Government and Damon Wilson. (ECF No. 28.)

The Government served the known potential claimant, Damon Wilson, by providing him with actual notice, as set forth in the Notice of Judicial Forfeiture filed with the court on June 25, 2019 (ECF No. 4). An Answer and Claim was filed by Damon Wilson, (“Claimant”) on July 29, 2019 (ECF No. 6). As set forth in the Declaration of Publication filed with the court on August 9, 2019 (ECF No. 7), and in accordance with Supplemental Rule G(4) of the Federal Rules of Civil Procedure, notice of this forfeiture action was published on an official internet government forfeiture site, “www.forfeiture.gov,” for at least 30 consecutive days, beginning on July 4, 2019, and ending

on August 2, 2019. Any person claiming an interest in the Defendant Funds was required to file a claim within sixty (60) days after the first date of such publication (by September 2, 2019). All time limits for the filing of claims have now expired, with no requests for extensions of such time limits having been requested or granted.

The Government and Damon Wilson have reached the following settlement. First, \$4,028.80 of the Defendant Funds is to be returned to Damon Wilson by the Government issuing an electronic funds transfer payment in that amount to a trust account held in the name of Alex Kornfeld Attorney at Law, LLC, counsel for Claimant.¹ Second, the balance of the Defendant Currency, to wit, \$4,028.79, is to be found and held forfeited, condemned, quit-claimed and abandoned to the Government, and shall be disposed of by the Government pursuant to law as a forfeited asset.

The parties agree that each side shall bear its own costs.

NOW THEREFORE, the court being fully advised, and based on the Stipulation for Compromise Settlement (ECF No. 28), which is incorporated herein by reference, it is

ORDERED, ADJUDGED, AND DECREED, that:

¹Federal law, codified at 31 U.S.C. § 3716 (the “Debt Collection Improvement Act of 1996”), requires the Department of the Treasury and other disbursing officials to offset Federal payments to collect delinquent tax and non-tax debts owed to the United States, and to individual states. If an offset is made to the payment to be made pursuant to this Order of the Court, Claimants will receive a notification from the Department of the Treasury at the last address provided by Claimants to the governmental agency or entity to whom the offset payment is made. The terms of the settlement specifically do not affect the tax obligations fines, penalties, or any other monetary obligations the Claimants owe to the United States or an individual state, and in fact, are intended to satisfy such a tax obligations. Therefore, the exact sum delivered to Counsel, on behalf of his clients, may well be a lesser sum, if the Treasury Offset Program reduces the amount in satisfaction of a debt obligation.

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1. All persons and entities other than Damon Wilson claiming any right, title or interest in or to the Defendant Funds are hereby held in default; and default judgment is entered against them.

2. Subject to reduction by any offset through the Treasury Offset Program, the United States Marshals Service shall return \$4,028.80 of the Defendant Funds by electronic fund transfer to a trust account held in the name of Alex Kornfeld Attorney at Law, LLC, counsel for Claimant.

3. Pursuant to 21 U.S.C. § 881(a)(6), 18 U.S.C. § 981(a)(1)(A) and 18 U.S.C. § 981(a)(1)(C), the balance of the Defendant Funds, to wit, \$4,028.79, is hereby forfeited, condemned, quit-claimed and abandoned to the United States of America.

4. Clear title in and to the aforesaid \$4,028.79 of the Defendant Funds is hereby vested in the United States of America, and no other right, title or interest exists therein. All other claims in or to said \$4,028.79 of the Defendant Funds are hereby forever foreclosed and barred.

5. The \$4,028.79 of the Defendant Funds forfeited herein shall be disposed of by the Government in accordance with law.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

May 28, 2020
Columbia, South Carolina